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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,281	03/16/2005	Stephen Edward Methuen Forsey	71734	6620
23872	7590	03/21/2006	EXAMINER	
MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227				PHAN, THANH S
		ART UNIT		PAPER NUMBER
		2841		

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

(H)

Office Action Summary	Application No.	Applicant(s)	
	10/528,281	FORSEY ET AL.	
	Examiner	Art Unit	
	Thanh S. Phan	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/16/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of the term "mobile" is confusing, as the examiner interpreting, sometimes it is used to denote motion and other time it used to a part/structure of the watch. The examiner suggests the applicant should use precise terminologies that best describe the functionality of the intended claiming structures/functions. Examples of such terms: rotating, rotates, hour hand, minute hands, current time gears, chronograph gear, wheels etc. should be use where is applicable.

Claim 5 recites the limitation "the drive means" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Further, the applicant should review all of the claims carefully and remedy the numerous grammatical errors.

Appropriate correction is required.

As best understood by the examiner, the following rejections are made:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bron [US 5,113,382].

Regarding claim 1. Bron discloses a display device for a watch movement of the type comprising:

a frame [not explicitly numbered], a set of wheels [23, 25] pivotably mounted on the frame and wherein the angular position of a first [20] and a second [25] of said wheels is a function of the state of a piece of information to be displayed, and a display member mobile about an axis [hands are not explicitly labeled; column 2, lines 59-67], including, in combination:

- . a display mobile [hands] pivotably mounted on the frame about said axis and arranged for carrying the display member,
- . connecting members [see figures 2-5] for kinematically connecting said mobile to one or other of the first and second wheels, and activating means [switches/buttons located at 2-4H] cooperating with the connecting members and arranged to allow the connection of said mobile to be switched from one of said first and second wheels to the other.

Regarding claim 2. Bron discloses a device wherein the first wheel [23] is coaxial with said mobile and wherein said connecting means include a cam [24] securely fixed

to said display mobile in rotation and a first hammer [71] disposed on the first wheel facing said cam and provided with an elastic member [column 5, lines 30-33] arranged to hold it abutting against the cam, such that said first wheel can drive said mobile in rotation via the action of the hammer on the cam [figure 13; column 5 lines 25 +].

Regarding claim 3. Bron discloses wherein said control means include a control mechanism and a switching mechanism [switches/buttons located at 2-4H] enabling or disabling the control mechanism and cooperating with the first hammer such that it is removed from the cam when said control mechanism is activated [column 5; line 31 – column 6; line 23].

Regarding claim 4. Bron discloses wherein said control mechanism is of the chronograph type [column 1; line 65 – column 2; line 14].

Regarding claim 5. Bron discloses wherein said second wheel is pivotably mounted about an axis substantially parallel to the axis of the mobile [figures 2-4] and wherein the connecting means further comprise:

- . a connecting wheel [50] disposed coaxially with the second wheel and kinematically connected to said mobile.
- . a second hammer [55] and a second cam one disposed on the connecting wheel [not explicitly numbered] and the other on the second wheel [26], and wherein the drive means include a coupling-disconnecting member [64] arranged for applying [figure 4] or not applying [figure 3] the second hammer against the second cam such that, when it is applied, the torque generated on the mobile by the connecting wheel is greater than that exerted by the first hammer on the first cam

Regarding claim 7. Bron discloses wherein said activating means are of the mono-stable type and arranged such that, during activation, the connecting means connect said mobile to one of said wheels and when the activation is interrupted, the connecting means connect the mobile to the other wheel [figures 6-7; column 4, lines 35-50].

Regarding claim 8. Bron discloses wherein said activating means are of the bi-stable type and arranged such that, during a first activation, the connecting means connect said mobile to one of said wheels and during a second activation, the connecting means connect the mobile to the other wheel [figures 6-7; column 4, lines 35-50].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bron in view Takahashi et al. [US 6,406,176].

Regarding claim 6. Bron discloses the claimed invention except for wherein an intermediate wheel is inserted between the connecting wheel and the mobile such that said mobile rotates in the same direction as the second wheel, when they are kinematically connected to each other.

Takahashi et al. disclose a timepiece wherein a plurality of intermediate wheels are used [figure 11].

Since Bron and Takahashi et al. are both from the same field of endeavor, the purpose disclosed by Takahashi et al. would have been recognized in the pertinent art of Bron.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the intermediate wheels design of Takahashi et al. with Bron for the purpose of facilitating connection and/or assisting in rotation between different wheel components within a timepiece.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schmidt et al. [US 5,793,708] ; Burki [US 3,903,686].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S. Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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